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Bob Black
Debunking Democracy
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Bob Black

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Nobody ever did. That's why you didn't learn it in school. You were just told to believe. The arguments for democracy—which aren't often articulated—are so flawed and flimsy, some of them even so silly,[74] that pious democrats might be startled.[75]

Now, it maybe that some of these criticisms ofdemocratic government are really criticisms of government itself. That does not detract from, but rather enhances, their validity. That just means that democracy is not so special after all, and that it has been found out.

VOTE NOBODY

NOBODY TELLS THE TRUTH.

Bob Black PO Box 3112 Albany NY 12203

[74] For example, voluntary residence in a country is said to be "tacit" consent to its democratic government. Love it or leave it! Incredibly, most democrats fail to notice that if voluntary residence counts as consent to be ruled, then it counts as consent to be ruled by any government, despotic or democratic. Harry Brighouse, "Democracy and Inequality," in Democratic Theory Today: Challenges for the 21st Century, ed. April Carter & Geoffrey Stokes (Cambridge, England: Polity Press, 2002), 56; J.P. Plamanatz, Consent, Freedom, and Political Obligation (2nd ed.; London: Oxford University Press, 1968), 7-8; A. John Simmons, Moral Principles and Political Obligations (Princeton, NJ: Princeton University Press, 1979), 7374 & ch. 4. In the anthology Democratic Theory Today, the eleven contributors—all of them college professors—solemnly discuss civic republicanism, developmental democracy, deliberative democracy, associative democracy, etc. Not one of them pauses to justify democracy itself.

[75] See, e.g" William Godwin, Enquiry Concerning Political Justice, ed. Isaac Kramnick (Harmondsworth, Middlesex, England: Penguin Books, 1976), 209-253; Crispin Sartwell, Against the State (Albany, NY: State University of New York Press, 2008), 39-96 (quoted); Bob

than "pure democracy, or the immediate autocracy of the people," as Joel Barlow described it.[71] A celebrant of Swiss direct democracy at its height admits: "Corruption, factionalization, arbitrariness, violence, disregard for law, and an obdurate conservatism that opposed all social and economic progress were pathologies to some extent endemic to the pure democratic life form."[72] Democracy in any form is irrational, unjust, inefficient, capricious, divisive, and demeaning. Its direct and representative versions, as we have seen, share many vices. Neither version exhibits any clear advantage over the other. Each also has vices peculiar to itself. Indeed the systems differ only in degree. Either way, the worst tyranny is the tyranny of the majority,[73] as most anarchists, and some conservatives, and some liberals, and even the more honest democrats, have often said.

Is democracy nonetheless the best form of government? Even that is not so obvious, after taking a hard look at just how bad it is. Its theory is reducible to ruins in a few pages. The believers claim that democracy promotes dialogue, but where is the dialogue about democracy itself? Democrats ignore their critics, as if democracy is such a done deal, why bother to defend it? They just take it for granted that somebody (Locke? Rousseau? Lincoln? Churchill?) has long since made out a strong case for democracy.

[71] Joel Barlow, "To His Fellow Citizens of the United States. Letter II: On Certain Political Measures Proposed for Their Consideration," in American Political Writing during the Founding Era, 1760-1805, ed. Charles S Hyneman & Donald S. Lutz (2 vols.; Indianapolis, IN: Liberty Fund, 1983), 2: 1106.

[72] Benjamin Barber, The Death of Communal Liberty (Princeton, NJ: Princeton University Press, 1974), 197.

[73] e.g., Goldman,"The Individual, Society and the State," Red Emma Speaks, 98; see also Robert L Hoffman, Revolutionary Justice: The Social and Political Theory oP-J. Proudhon (Urbana, IL: University of Illinois Press, 1972), 187. The expression is generally credited to Alexis de Tocqueville (Democracy in America, 250) and it was further popularized by John Stuart Mill; but it was used by at least one Anti-Federalist in the Ratification debate. Wood, Creation of the American Republic, 484 & n. 19. Certainly the idea was widespread then, and since.

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which Caucus stalwart Sam Adams played a key role."[66] This is democracy in action.

What Hobbes is talking about, as he proceeds to say, is faction, which he defines as "a sort of effort and hard work, which they use to fashion people."[67] James Madison famously argued that direct democracy promotes factionalism.[68] But an organization of organizers of votes serves a purpose (its own) in any assembly or legislature. Parties (the euphemism for "factions") could play central roles in a direct democracy, maybe greater roles than in representative democracy.°

Only regular high turnouts would minimize (not eliminate) these capricious or manipulated reversals, since, if most citizens attend every meeting, most of them who attend one meeting will attend another. The polar possibilities are that all the same people, or all different people, attend the next meeting. If it is all the same people, it is de facto oligarchy. If it is all different people, it is chaos, the only kind of "anarchy" consistent with direct democracy. It will usually turn out to be closer to oligarchy.

Conclusion

Majority rule is as arbitrary as random decision, but not nearly as fair.[69] For a voter, the only difference between the lottery[70] and an election is that he might win the lottery. Better pure chance

[66] Richard Maxwell Brown, "Violence and the American Revolution," in Essay; on the American Revolution, ed. Stephen G. Kurtz & James H. Hutson (Chapel Hill, NC: University of North Carolina Press & New York W.W. Norton & Co., 1973), 102.

[67] Hobbes, On the Citizen, 124.

[68] James Madison, The Federdist No. 10, at 56-57.

[69] Wolff, In Definse ofAnarchism, 44-45.

[70] Thus "universal suffrage is in my eyes nothing but a lottery:" Pierre-Joseph Proudhon, General Idea ofthe Revolution in the Nineteenth Century, tr. John Beverley Robinson (London: Freedom Press, 1923), 141.

that was made when their opponents were there in strength may be reversed when they fail to show."[63]

Hobbes exactly describes how Samuel Adams manipulated another assembly, the Boston town meeting, at prior private meetings of his faction at the Caucus Club: "Caucusing involved the widest prevision of problems that might arise and the narrowest choice of response to each possibility; who would speak to any issue, and what he would say; with the clubmen's general consent guaranteed, ahead of time, to both choice of speaker and what the speaker's message would be." His cousin John Adams was astonished, after many years of attending town meetings, to learn of this: "There they drink flip [a rum drink], I suppose, and there they choose a moderator who puts questions to the vote regularly, and selectmen, assessors, wardens, fire wards, and representatives are regularly chosen before they are chosen by the town."[64] Exactly the same methods of manipulation were practiced in the Athenian assembly.[65]

Direct democracy is well suited to machine politics: "The powerful town meeting [in Boston] named the many municipal officials, determined taxes and assessments, and adopted public service projects that were a rich source of jobs and economic largesse. For years the original Caucus and its allies in the Merchants Club had acted as the unofficial directing body of the town meeting in

[63] Hobbes, On the Citizen, 124.

[64] Gary Wills, Inventing America: Jefferson's Declaration of Independence (Garden City, NY: Doubleday & Company, 1978), 20 (quoted), 23 (quoting John Adams). The Bostonians recreated the smoke-filled room at the Continental Congress, where Jefferson noticed that "[Samuel Adams] was constantly holding caucuses of distinguished men, among whom was Richard Henry Lee, at which the generality of the measures pursued were previously determined on, and at which the parts were assigned to the different actors who afterwards appeared in them." Quoted in ibid., 25.

[65] R.K.Sinclair, Democracy and Participation in Ancient Athens (Cambridge: Cambridge University Press, 1998), 144-145.

For the first time in history, "nearly everyone today professes to be a democrat."[1] Professors profess democracy profusely, although they keep it off campus. Democracy—truly, "that word can mean anything."[2] Even North Korea calls itself a Democratic People's Republic. Democracy goes with everything. For champions of capitalism, democracy is inseparable from capitalism. For champions of socialism, democracy is inseparable from socialism. Democracy is even said to be inseparable from anarchism.[3] It is identified with the good, the true, and the beautiful.[4] There's a flavor of democracy for every taste: constitutional democracy, liberal democracy, social democracy, Christian democracy, even industrial democracy. Poets (admittedly not many) have hymned its glory. And yet the suspicion lurks that, as it seemed to another poet, Oscar Wilde, "democracy means simply the bludgeoning of the people, by the people, and for the people. It has been found out."[5] Found out, and found to be unfounded.

Until the 20th century, there were few democracies. Until the 19th century, the wisdom of the ages was unanimous in

[1] David Held, Models of Democrat), (2nd ed.; Stanford, CA: Stanford University Press, 1996), 1; see also Tibor R. Machan, "Introduction: The Democratic Ideal," Liberty and Democracy, ed. Tibor R. Machan (Stanford, CA: Hoover Institute Press, 2002), xiii.

[2] Jacques Ellul, The Poletical Illusion, tr. Konrad Kellen (New York: Alfred A. Knopf, 1967), 181.

[3] David Graeber (in the AK Press catalog 2008), quoted in Bob Black, letter to the editors, Anarchy: A Journal of Desire Armed, No. 67 (Vol. 26, No. 2) (Spring-Summer 2009), 75.

[4] "Democracy is made identical with intellectual freedom, with economic justice, with social welfare, with tolerance, with piety, moral integrity, the dignity of man, and general civilized decency." Robert A. Nisbet, Community and Power (London: Oxford University Press, 1962), 248.

[5] "The Soul of Man Under Socialism." The First Collected Edition of the Works of Oscar Wilde, 1908-1922, ed. Robert Ross (repr. ed.; London: Pall Mall, 1969), 8: 294. Wilde was a decadent anarchist dandy. Such lifestyle anarchists despise democracy. See, e.g., Octave Mirbeau, "Voters Strike!" in Rants and Incendiary Tracts, ed. Bob Black & Adam Parfrey (New York: Amok Press & Port Townsend, WA: Loompanics Unlimited, 1989), 74-78.

condemnation of democracy. All the sages of ancient Greece denounced it, especially the sages of democratic Athens.[6] As Hegel wrote: "Those ancients who as members of democracies since their youth, had accumulated long experience and reflected profoundly about it, held different views on popular opinion from those more a priori views prevalent today." **[7] The Framers of the U.S. Constitution rejected democracy.[8] So did their opponents, the Anti-Federalists.[9] The democracy which was then universally despised is what is now called direct democracy, government by the people over the people. "People" in "by the people" meant the citizens: a minority consisting of some of the adult males. "People" in "over the people" meant everybody. The citizenry assembled at intervals to wield state power by majority vote. This system no longer exists anywhere, and that makes it easier to believe in it, as Hegel observed.

Democracy only became respectable, in the 19th century, when its meaning changed. Now it meant representative democracy, in which the citizenry—now an electorate, but still a minority—from

[6] Ernest Barker, The Political Thought of Plato and Aristotle (New York Dover, 1959), 13; M.I. Finley, Democrat.; Ancient and Modern (2nd ed.; London: Hogarth Press, 1985), 5, 29; David Held, "Democracy: From City-States to a Cosmopolitan Order," in Contemporary Political Philosophy: An Anthology, ed. Robert E. Goodin & Philip Pettit (Malden, Mk Blackwell Publishing, 2006), 80.

[7] G.W.F. Hegel, "On the English Reform Bill," Political Writings, ed. Laurence Dickey & H.B. Nisbet (Cambridge: Cambridge University Press, 1999), 235.

[8] Bernard Bailyn, The Ideological Origins of the American Revolution (Cambridge*. Belknap Press of Harvard University Press, 1967), 282284; Gordon S. Wood, The Creation of the American Republic, 17761787 (New York & London: W.W. Norton & Company, 1972), 222-223, 409-413; see, e.g, The Federalist, ed. Jacob E. Cooke (Hanover, NH: Wesleyan University Press, 1961), 61 (No. 10) (James Madison); The Records of the Federal Convention of 1787, ed. Max Farrand (New Haven, CT: Yale University Press, 1911), 1: 2627 (Edmund Randolph), 48 (Elbridge Gerry), 49 (George Mason), 288 (Alexander Hamilton). Randolph blamed America's problems on "the turbulence and follies of democracy:" Records, 1:5 1.

[9] Herbert J. Storing, What the Antifidenalists Were For (Chicago, IL & London: University of Chicago Press, 1981), 29.

For example, the assembly voted to give the Mytilenians, whose revolt had been crushed, the Melian treatment: death for all the men, slavery for the women and children. The judgment was reversed the next day, the second ship dispatched to Mytilene happily arrived first, and so only the Mytilenians held mainly responsible—over 1,000 of them—were executed.[60] Better, of course, to reverse a bad decision than stick to it; but people are reluctant to publicly admit they were wrong.

It is bad enough if the composition of the assembly fluctuates randomly or because of politically extraneous factors, as the weather, for instance, influences American election outcomes by influencing voter turnout[61] (higher proportions of Democrats turn out in good weather). But it might well turn on deliberate mobilization by a faction. This, too, happened in Athens. The general Nicias, addressing the assembly in opposition to the proposed Sicilian expedition, stated: "It is with real alarm that I see this young man's [Alcibiades'] party sitting at his side in this assembly all called in to support him, and I, on my side, call for the support of the older men among you." A line by the satiric playwright Aristophanes also attests to bloc voting in the assembly.[62]

Hobbes observed that "when the votes are sufficiently close for the defeated to have hopes of winning a majority at a subsequent meeting if a few men swing round to their way of thinking, their leaders get them all together, and they hold a private discussion on how to revoke the measure that has just been passed. They resolve among themselves to attend the next meeting in large numbers and to be there first; they arrange what each should say and in what order, so that the question may be brought up again, and the decision

[60] Finley, Democracy, 52; Hegel, "On the English Reform Bill," 235; Thucydides, Peloponnesian War, 212-223.

[61] Russell Hardin, Encyclopedia of Democratic Thought, "Participation."

[62] Thucydides, Peloponnesian War, 417 (quoted); "Ecclesiazusai," Aristophanes: Plays II, tr. Patric Dickinson (London: Oxford University Press, 1970), 2: 256.

pedition: "The result of this excessive enthusiasm of the majority was that the few who were actually opposed to the expedition were afraid of being thought unpatriotic if they voted against it, and therefore kept quiet."[58]

17. A specific, experimentally validated emotional influence vitiating democracy is group pressure to conform.

This was strikingly demonstrated in a famous experiment by social psychologist Solomon Asch. Each of seven to nine experimental subjects was asked to compare a series of lines, and in each case identify the two lines that were equal in length. For each comparison it was obvious, indeed extremely obvious, which lines matched— but time after time, every member of the group gave the same wrong answer—except the only subject who was unaware of the real purpose of the experiment. In these circumstances, fifty-eight percent of the test subjects changed their answer to agree with the unanimous majority. Even when subjects were each given one ally, thirteen percent of the subjects agreed with the group instead of the evidence of their senses.[59] Some of the conformists actually changed their perceptions, but most of them simply decided that the group must be right, no matter how strong was the evidence to the contrary.

18. Another inherent flaw in direct democracy partly (not entirely) a consequence of the previous one, is the inconstancy ofpolicy.

This really covers two related arguments against democracy. What the assembly does at one meeting it may undo at the next, whether because citizens have had sober second thoughts (a good reason) or because a different mix of people shows up (a bad reason). This often happened in classical Athens, the only polity which has ever seriously tried to make direct democracy work.

[58] Thucydides, History of the Peloponnesian War, tr. Rex Warner (London: Reagan Books, 1951), 425.

[59] Solomon E. Asch, Social Psychology (Englewood Cliffs, NJ: Prentice-Hall, 1952), 458, 477.

time to time choose some of its rulers by majority vote (or rather, by the majority of those actually voting—which is not the same thing). The elected rulers appoint the rest of the rulers. As always, some rule, and all are ruled. In the 19th century, when this system prevailed in only a few nations, it acquired a few intellectually able proponents, such as John Stuart Mill, but it also evoked some intellectually able opponents, such as Herbert Spencer, Pierre-Joseph Proudhon, and Friedrich Nietzsche. Democracy, as one of the ascendant political ideologies of the age, accommodated itself to the others: to liberalism, nationalism, socialism, and even Christianity. They in turn accommodated it, usually. Improbably, the doctrines legitimated one another, usually.

The announced popularity of democracy is surely exaggerated. It's a mile wide and an inch deep. Aversion to authoritarian regimes is not necessarily enthusiasm for democracy. In some of the post-Communist democracies, democracy has already lost its charm.[10] In others, such as Russia, democracy itself is already lost. Older democracies persist more from apathy and force of habit than from genuine conviction. John Zerzan reasonably asks: "Has there ever been so much incessant yammer about democracy, and less real interest in it?"[11] Well, has there?

The idea of democracy has never been justified, merely glorified. None of the older criticisms of democracy has been refuted, and neither has any of the newer ones. They come from left, right, and center. Some of these criticisms follow. They establish that democracy is irrational, inefficient, unjust, and antithetical to the very values claimed for it: liberty, equality, and fraternity. It does not even, for instance, imply liberty.[12] Rather, the instinctive tendency

[10] Ralf Dahrendorf, Reflections on the Revolution in Europe (New Brunswick, NJ & London: Transaction Publishers, 2005), 168.

[11] John Zerzan, "No Way Out," Running on Emptiness: The Pathology of Civilization (Los Angeles, CA: Feral House 2002), 204.

[12] Bertrand Russell, "The Prospects of Democracy," Mortals and Others: American Essays 1929-1935, ed. Henry Ruja (London & New York: Routledge,

of democracy is "to despise individual rights and take little account of them."[13] Democracy not only subverts community, it insults dignity, and it affronts common sense. Not all of these violated values are important to everyone, but some of them are important to anyone, except to someone to whom nothing is important. That is why post-modernists are democrats.

In recent years, some intellectuals (academics and former radicals) have tried to revive direct democracy as an ideal, and set it up as a viable alternative to representative democracy. Their strenuous exertions interest only themselves. Their efforts fail, for at least two reasons.

The first reason is that, as a matter of fact, "there is no reason to believe that there has ever been an urban, purely direct democracy or even a reasonable approximation of one. Every known instance has involved a considerable admixture of representative democracy which has sooner or later usually subordinated [direct] democracy where it didn't eliminate it altogether."[14] There is no space to prove it here, but the evidence is ample.[15] Direct democracy is merely an abstract ideal, a fantasy really, with no basis in historical experience. According to Jean-Jacques Rousseau, who is falsely claimed to be an advocate of direct democracy, "however small any State

1996), 2: 24; James Fitzjames Stephen, Liberty Equality Fraternity (Chicago IL & London: University of Chicago Press, 1991), 168.

[13] Alexis de Tocqueville, Democracy in America, ed. J.P. Mayer, tr. George Lawrence (Garden City, New York Doubleday & Company, Anchor Books, 1969), 699.

[14] Bob Black, Anarchy after Leftism (Columbia, MO: C.A.L. Press, 1997), 71. Representative democracy can also incorporate minor elements of direct democracy, as it does, in the United States, with trial by jury. But representative officials (judges) severely circumscribe the jury. Robert C. Black, "FIJA: Monkeywrenching the Justice System?," UMKC Law Review 66(1) (Fall 1997), 12-13.

[15] Bob Black, Nightmares of Reason (2010), chs. 14 & 15, available online from The Anarchist Library.

claims that an overarching confederal system produces majority decisions,[53] affirms the impossible as an act of faith.

16. Direct democracy, to an even greater degree than representative democracy, encourages emotional, irrational decision making.[54]

The face-to-face context of assembly politics engenders strong interpersonal psychological influences which are, at best, extraneous to decision making on the merits. The crowd is susceptible to orators and stars, and intolerant of contradiction.[55] The speakers, in the limited time allotted to them, tend to sacrifice reasoning to persuasion whenever they have to choose, if they want to win. As Hobbes wrote, the speakers begin not from true principles but from "commonly accepted opinions, which are for the most part usually false, and they do not try to make their discourse correspond to the nature of things but to the passions of men's hearts. The result is that votes are cast not on the basis of correct reasoning but on emotional impulse."[56] "Pure democracy, like pure rum, easily produces intoxication, and with it a thousand mad pranks and foolishness."[57] Dissenters feel intimidated, as they were, for instance, when the Athenian assembly voted for the disastrous Sicilian ex-

[53] E.g., Murray Bookchin, Anarchism, Marxism, and the Future of the Left, 1993-1998 (Edinburgh, Scotland & San Francisco, CA: A.K. Press, 1999), 314.

[54] "The general characteristics of crowds are to be met with in parliamentary assemblies: Intellectual simplicity, irritability, suggestibility, the exaggeration of the sentiments and the preponderating influence of a few leaders." Le Bon, The Crowd, 187. Automatic word wrap

[55] Robert Michels, Political Parties: A Sociological Study of the Oligarchical Tendencies of Modern Democracy (New York The Free Press & London: Collier-Macmillan Limited, 1962), 64, 98-102. For anyone who has doubts about democracy, this is the first book to read.

[56] Hobbes, The Citizen, 123; see also Sigmund Freud, Group Psychology and the Analysis of the Ego, tr. & ed. James Strachey (New York: W.W. Norton & Company, 1959), 9; Le Bon, The Crowd 187.

[57] John Jay quoted in Lift of john fax ed. William Jay (New York J. & J. Harper, 1833), 2: 315. Jay, co-author of The Federalist, was the first Chief Justice of the U.S. Supreme Court.

to be nearly equal in population, gerrymandering—the drawing of their boundaries so as to favor some candidate or party is a standing temptation. Especially since the incumbents do the drawing. Using the latest liberatory technology— the computer—it's easy to devise gerrymandered but mathematically equal districts.

15. Direct democracy trying to avert this evil, embraces federalism, which increases inequality

If the neighborhood or face-to-face basic units were autarchic—self-governing and self-sufficient—it would be nobody's business but theirs which people they included and how many. They could go to hell in their own way. But schemes for direct democracy typically call for a federal system with layers of "mandated and revocable delegates, responsible to the base" by which the decisions of assemblies are reconciled. Some delegates to the higher levels will potentially speak for a different number of citizens than other delegates but cast equal votes. In a federal system of units of unequal population, voting equality for the units means voting inequality for individuals. The federalist—but single-member—simple-plurality system evidently contemplated by most direct democrats, including the syndicalists, is the least proportionate of all voting systems.[51]

The inequality will be compounded at every higher level. The majority; the majority of the majority; the majority of the majority of the majority—the higher up you go, the greater the inequality. The more often you multiply by a fraction, the smaller the number you arrive at. "It is not possible," it is said, "to find a general answer to the question of to what extent federalism may legitimately be allowed to outweigh democracy."[52] Actually, there is a general answer to the question. The answer is no. A direct democrat who

89 (quoted); see also Dahl, Dilemmas of Pluralist Democracy: Autonomy, 83-84.

[51] Sally Burch, Encyclopedia of Democratic Thought, q/v "Electoral Systems."

[52] Linder, Swiss Democracy, 84. In the Swiss system, the vote of one citizen in Uri, a small rural canton, outweighs the votes of 34 citizens in Zurich. Ibid., 81.

may be, civil societies are always too populous to be under the immediate government of all their members."[16]

The second reason is that the major objections to representative democracy also apply to direct democracy, even if the latter is regarded as an ideal form of pure majoritarian democracy. Some objections apply to one version, some to the other, but most apply to both. There are more than enough reasons to reject every version of democracy. Let us, then, consider some of these objections.

Objections to Democracy

1. The majority isn't always right.

As (among many others) Pierre-Joseph Proudhon, Henry David Thoreau, Mikhail Bakunin, Benjamin Tucker, Errico Malatesta, and Emma Goldman said—and does anybody disagree?—democracy does not assure correct decisions. "The only thing special about majorities is that they are not minorities."[17] There is no strength in numbers, or rather, there is nothing but strength in numbers. Parties, families, corporations, unions, nearly all voluntary associations are, by choice, oligarchic.[18] Indeed, in assemblies whether direct or representative, in electorates as in legislatures, the whole is less—even less—than the sum of its parts. It is even mathematically demonstrable (but not by me) that majority decision-making

[16] Jean-Jacques Rousseau, "Discourse on Political Economy," The Social Contract and Discourses, tr. G.D.H. Cole (New York: E.P. Dutton and Sons & London: J.M. Dent and Sons, 1950), 313.

[17] Loren E. Lomasky, "Default and Dynamic Democracy," in Liberty and Democracy, 3.

[18] Clark Kerr, Unions and Union Leaders of Their Own Choosing (New York The Fund for the Republic, 1957), 12. Similarly, Switzerland's democracy is the most participatory in the world, but the Swiss are not " particularly participative in economic and social life." Wolf Linder, Swiss Democracy (3rd ed., rev. & upci.; Basingstoke, Hamps., England & New York: Palgrave Macmillan, 2010), 127.

generates inefficient, socially wasteful, more or less self-defeating decisions.[19]

Besides, after all, why should you, why should anyone, accept a decision that you know is wrong? Surely the quality of its decisions has something to do with the quality of the decision-making process.

2. Democracy does not as is promised, give everyone the right to influence the decisions affecting her, because a person who voted on the losing side had no influence on that decision.

As Henry David Thoreau wrote, "a minority is powerless while it conforms to the majority; it is not even a minority then."[20] It is, in fact, powerless, it is nothing. Thomas Hobbes anticipated Thoreau: "And if the Representative consist of many men, the voyce of the greater number, must be considered as the voyce of them all. For if the lesser number pronounce (for example) in the Affirmative, and the greater in the Negative, there will be Negatives more than enough to destroy the Affirmatives; and thereby the excesse of Negatives, standing uncontradicted, are the onely voyce the Representative hath."[21] "The numerical majority," wrote John C. Calhoun, "is as truly a single power—and excludes the negative as completely as the absolute government of one or a few."[22]

3. Democracy especially in small constituencies, lends itself to the disempowerment of permanent minorities, who occupy the same position in the democracy as they would in a despotism.

[19] Grant McConnell, Private Power and American Democracy (New York Vintage Books, 1966), 120-127; James M. Buchanan & Gordon Tullock, The Calculus of Consent: Logical Foundations of Constitutional Democracy (Ann Arbor, MI: University of Michigan Press, 1962), 169; Elaine Spitz, Majority Rule (Chatham, NJ: Chatham House Publishers, 1982); 153; Michael Taylor, Community, Anarchy and Liberty (Cambridge: Cambridge University Press, 1982), 54-55.

[20] Henry David Thoreau, "Civil Disobedience," in Walden and Civil Disobedience (New York: Signet Classics, 1960), 231.

[21] Thomas Hobbes, Leviathan, ed. C.B. Macpherson (Harmondsworth, Middlesex, England: Pelican Books, 1968), 221.

[22] John C. Calhoun, Disquisitions on Government and Selections from the

everywhere, but nowhere would they be more destructive of community than in face-to-face assemblies and neighborhoods.

13. Another source of majority irresponsibility and minority indignity is the felt frivolity of voting its element of chance and arbitrariness.

As Thoreau (quoted by Emma Goldman) put it, 'All voting is a sort of gaming, like checquers or backgammon, with a slight moral tinge to it, a playing with right and wrong, with moral questions; and betting naturally accompanies it."[49] Majority rule is majority roulette. The popularity of student government and Model UN confirms that there is a ludic, playing-around element to deliberative decision making which is independent of its consequences. Here is an interest the delegates share with each other, but not with their constituents. Voting is a contest, officially umpired by the majority, with sometimes high stakes. To the extent that the assembled citizens are playing games with each other, or that winning for its own sake (or for how you play the game, for that matter) plays any part in their motivation, the quality of decision making is reduced still further and the humiliation of submission to majority rule is that much deepened.

14. Under representative democracy with electoral districts, malapportionment—the creation of districts with unequal populations—is possible and, even if they are equal, gerrymandering is almost inevitable.

Modern democrats agree with H.L. Mencken that "it must be plain that a community whose votes, man for man, count for only half as much as the votes of another community is one in which half of the citizens are, to every practical intent, unable to vote at all."[50] Even if as currently in the United States, districts are required

[49] Thoreau, "Civil Disobedience," 226, quoted in "Anarchism: What It Really Stands For," Emma Goldman, Red Emma Speaks: Selected Writings and Speeches, ed. Alix Kates Shulman (New York: Vintage Books, 1972), 60; Waldron, Dignity of Legislation, 126-127.

[50] H.L. Mencken, Notes on Democracy (New York: Alfred A, Knopf, 1926),

to face an opponent publicly may provoke aggression, anger, and competitive feelings[46]

In a winner-take-all system there is no incentive to compensate or conciliate defeated minorities, who have been told, in effect, that not only are they not to get their way, they are also stigmatized as wrong. The unaccountable majority is arrogant; the defeated minority is resentful.[47] Coercive voting promotes polarization and hardens positions. Deliberation "can bring differences to the surface, widening rather than narrowing them."[48] These consequences, muted in systems of large-scale, secret voting in not-too-frequent elections, are accentuated in the imagined communal combination of very small electorates, extremely frequent elections, and public voting. Citizens will take their animosities and ulcers home with them and act them out in everyday life. Elections are undesirable

[46] Spitz, Majority Rule, 192 (quoted); Arend Lijphart, Encyclopedia of Democratic Thought, q/v "Consensus Democracy" (majoritarian democracy is "exclusive, competitive and adversarial"); Jane L. Mansbridge, Beyond Adversary Democracy (New York: Basic Books, 1980), 273. Mansbridge adds that because it is distressing to face a hostile majority, the meeting exerts pressure for conformity. Highly motivated militants may just wear down and outlast the others: "The Lower and Weaker Faction, is the firmer in Conjunction: And it is often scene, that a few, that are Stiffe, doe tire out, a greater Number, that are more Moderate." Francis Bacon, "Of Faction," The Essayes or Counsels, Civil! and Moral, ed. Michael Kiernan (Cambridge Harvard University Press, 1985), 155 (essay no. LI.). Not the least of the many serious inequalities which inhere in the assembly is the inequality between extraverts and introverts. Assembly government discourages attendance by the kind of person who does not like to be in the same room with, say, Murray Bookchin or Peter Staudenmeier.

[47] "To see the proposal of a man whom we despise preferred to our own; to see our wisdom ignored before our eyes; to incur certain enmity in an uncertain struggle for empty glory; to hate and be hated because of differences of opinion (which cannot be avoided, whether we win or lose); to reveal our plans and wishes when there is no need to and to get nothing by it; to neglect our private affairs. These, I say, are disadvantages." Thomas Hobbes, On the Citizen, ed. & tr. Richard Tuck & Michael Silverthorne (Cambridge: Cambridge University Press, 1998), 120.

[48] Ian Shapiro, "Optimal Participation?" journal of Political Philosophy 10(2) (June 2002), 198-199.

It isn't always the same momentary majority that rules, but often it is, and shifting majorities only make it less likely, not unlikely, for some group to be always opposed to the winning gang.[23] Under American democracy, it has long been well-known, even to the U.S. Supreme Court in 1938, that "discrete and insular minorities" are at a political disadvantage beyond the mere fact (which is disadvantage enough) that they are minorities.[24] And the smaller the constituency, the more likely it is that many interests may be represented "by numbers so small as to be less than the minimum necessary for defense of those interests in any setting."[25]

4. Majority rule ignores the urgency of preferences.

Preference varies in intensity, but consent does not. Preference is more or less, consent is yes or no. The vote of a person who has only a slight preference for a candidate or measure counts the same as the vote of someone passionately opposed, and so: "A majority with slight preferences one way may outvote almost as many strong preferences the other way." There could even be, as just noted, a permanently frustrated minority, which is a source of instability, or even oppression. To put it another way, the opportunity to influence a decision is not proportionate to one's legitimate interest in the outcome.[26]

Democratic theorists usually ignore the issue or, like John Rawls, wave it away by dogmatizing that "this criticism rests upon the mistaken view that the intensity of desire is a relevant

Discourses (Indianapolis, IN & New York: Bobbs-Merrill Co., 1953), 29.

[23] Spitz, Majority Rule, 183; Juerg Steiner, "Decision-Making," in Encyclopedia of Democratic Thought, ed. Paul Barry Clarke & Joe Foweracker (London & New York Routledge, 2001), q/v "Decision-Making."

[24] United States v. Carolene Products Co., 304 U.S. 144, 152-53 n. 4 (1938).

[25] MacConnell, Private Power and American Democracy, 105 (quoted), 109.

[26] John Burnheim, Is Democracy Possible? Alternatives to Electoral Politics (Cambridge, England: Polity Press, 1985), 83 (quoted); Jeremy Waldron, The Dignity ofLegislation (Cambridge & New York: Cambridge University Press, 1999), 132, 142-143; Buchanan & Tullock, Calculus of Consent, 125-127, 132-133; Robert A. Dahl, A Preface to Democratic Theory (Chicago, IL: University of Chicago

consideration in enacting legislation."[27] But, however embarrassing to democrats, "the intensity question is absolutely vital to the stability of democratic systems"—and it's a question to which pure majoritarian democracy has no answer.[28] Rousseau at least recognized the problem, although his solution is impractical. He thought that "the more grave and important the questions discussed, the nearer should the opinion that is to prevail approach unanimity."[29] But there is no way in which to decide a priori the importance of a question. First you have to decide how important the question is, and the majority may well rule a question to be unimportant to make sure that the question will be answered as that majority wishes.

5. There are no self-evident democratic voting rules.

Majority or plurality? Proxy voting? Quorums? Are supermajorities (three-fifths? two-thirds?) required for all, some, or none of the decisions? Who sets the agenda? Are motions from the floor entertained? Who decides who gets to speak, and for how long, and who gets the first or last word? Who schedules the meeting? Who adjourns it? And who decides, and by what rules, the answers to all these questions? "If the participants disagree on the voting rules, they may first have to vote on these rules. But they may disagree on how to vote on the voting rules, which may make voting impossible as the decision on how to vote is pushed further and further back."[30]

Press, 1956), 91-99; Robert A. Dahl, Dilemmas of Pluralist Democracy: Autonomy vs. Control (New Haven, CT & London: Yale University Press, 1982), 88-89.

[27] John Rawls, A Theory of Justice (rev. ed.; Cambridge: Harvard University Press, Belnap Press, 1999), 230.

[28] Benjamin Barber, The Conquest of Politics: Liberal Philosophy in Democratic Times (Princeton, NJ: Princeton University Press, 1988), 79 (quoted); Willmoore Kendall & George W. Carey, "The 'Intensity' Problem and Democratic Theory," American Political Science Review 62(1) (March 1968): 5-24.

[29] Rousseau, "The Social Contract," 7he Social Contract and Discourses, 107.

[30] Steiner, "Decision-Making," 130.

Everyone wants a road, but no one wants it in his back yard. If three groups want a road—but not in their back yards, thank you—they will gang up to scotch the project.[42] The road that everyone wants somewhere will not be built anywhere. That is an even worse outcome than with logrolling, where at least the road gets built somewhere, and might be of some use to somebody. It isn't easy to say which is worse, a democracy that doesn't govern, or a democracy that does.

12. Democracy, especially direct democracy, promotes disharmonious, antisocial feelings.

The psychology of the ekklesia (assembly) is the psychology of the agora (marketplace): "Voters and customers are essentially the same people. Mr. Smith buys and votes; he is the same man in the supermarket and the voting booth."[43] Capitalism and democracy rose to dominance together as the goals of the same class, the bourgeoisie. Together they made a common world of selfish individualism—an arena of competition, not a field of cooperation. Democracy, like litigation, is an adversarial decision method: "Majority rule belongs to a combat theory of politics. It is a contest between opposing forces, and the outcome is victory for one side and defeat for the other." Indeed, as Georg Simmel noticed, majority rule is really the substituted equivalent of force.[44] "We agree to try strength by counting heads instead of breaking heads. The minority gives way not because it is convinced that it is wrong, but because it is convinced that it is a minority."[45] Literally having

[42] Nicholas Rescher, "Risking D: Problems of Political Decision," Public Affairs Quarterly 13(4) (Oct. 1999), 298.

[43] Tullock, Vote Motive, 5. Moral considerations aside (where they belong), majority rule with logrolling may lead to inefficient outcomes—peak efficiency requires, surprisingly, supermajorities: "Majority rule is thus generally not optimal." Ibid., 51-55, 55 (quoted).

[44] "The Phenomenon of Outvoting," The Sociology of Georg Simmel, ed. Kurt H. Wolff (New York: The Free Press & London: Collier-Macmillan, 1950), 241-242.

[45] Stephen, Liberty Equalioc Fraternity, 70.

6. Collective, all-or-nothing balloting is irrational A decision made on a momentous matter by a single vote is as valid as a unanimous vote on a trifle. That extreme rarity, the one time one vote, one person's will, makes a difference, is the very same situation—monarchy, dictatorship, one-man rule—that democracy is supposed to be an improvement on!

At all other times, of all the votes for the winning side, only one is decisive, so the votes of all but one of the winners, like the votes of all of the losers, might as well not have been cast.

7. Majority rule is not even what it purports to be: it rarely means literally the majority of the people.[31]

Many people (such as children, foreigners, lunatics, transients, and felons) are everywhere denied the right to vote. The disenfranchised are never much short of being the majority, and sometimes they are the majority. And since it rarely happens that every one of the eligible voters votes every time, usually the resulting majority of a majority means plurality rule,[32] in other words, the rule of the momentarily largest minority, which might be rather small. The majority of a majority is often, and the majority of a minority is always, a minority. In order to cobble together majorities out of incoherent assemblies, leaders usually wield literally decisive power.[33] Under any possible government, a minority governs.

8. Whether voting by electoral districts or in popular assemblies, decisions are arbitrary because the boundaries of the districts de-

[31] Spitz, Majority Rule, 3.

[32] John Stuart Mill, "Representative Government," in Utilitarianism, Liberty and Representative Government (New York: E.P. Dutton and Company & London: J.M. Dent and Sons, 1951), 346-347; Harold Barday, People Without Government An Anthropology of Anarchism (London: Kahn & Averill with Cienfuegos Press, 1982), 118; Linder, Swiss Democracy, 110.

[33] "The necessity for these leaders is evident, since, under the name of heads of groups, they are met with in the assemblies of every country. They are the real rulers of an assembly." Gustav Le Bon, The Crowd (New York: Compass Books, 1960), 189.

this is not a compromise because the measures are unrelated.[39] The factions aren't splitting the difference.) In a sense, logrolling facilitates some accommodation of the urgency of preferences, since a faction only trades its votes for votes it values more highly—but it does so by bribery and to the detriment of deliberative democracy. No majority really approves of either measure enacted by logrolling, since if it did, there would be no need for logrolling. And those whose votes are unnecessary can be excluded from the logrolling process.[40] The practice is common to representative and direct democracies.[41]

11. In the unlikely event a legislative body eschews logrolling, it may succumb to gridlock.

Consider a typical political issue, the building of a highway. (A power plant or a garbage dump might be an even better example.)

[39] Buchanan & Tullock, Calculus of Consent, 132-133; Burnheim, Is Democra), Possible?, 6; McConnell, Private Power and American Democracy, 111-112.

[40] John T. Noonan, Jr., Bribery (New York: Macmillan & London: Collier Macmillan Publishers, 1984), 580; Clayton P. Gillette, "Equality and Variety in the Delivery of Municipal Services," Harvard Law Review 100(1) (Nov. 1986), 959. In 12th century Italy, Genoa and Pistoia prohibited logrolling in consular elections. Lauro Martines, Power and Imagination: City-States in Renaissance Italy (New York: Alfred A. Knopf, 1979), 29. Such laws are in vain: "The laws against logrolling (probably passed in part through logrolling) have substantially no effect on the functioning of democracy in countries which have adopted them." Gordon Tullock, The Vote Motive (n.p.: The Institute of Economic Affairs, 1976), 41. They only invite secrecy and hypocrisy. The two-thirds majority of states for the adoption of the Thirteenth Amendment to the U.S. Constitution abolishing slavery was obtained by logrolling. Noonan, Bribery, 456-458.

[41] See, e.g., Tullock, The Vote Motive, 45-46. Referenda, another expression of direct democracy, provide "the dearest example" of logrolling, putting to a single vote unrelated measures grouped together to appeal to a majority. Ibid., 48-49. Some state constitutions try to prohibit induding more than one subject in each ballot proposal. These provisions are notoriously ineffective They are also undemocratic themselves, because the judiciary is then the final arbiter. In a political system without checks and balances, democracy is tyranny. But a political system with checks and balances is not a democracy.

termine the composition of their electorates, which determines the decisions.

In a democracy, "the definition of the constituency within which the count is taken is a matter of primary importance," but democratic theory is unable to say who should be included in an electorate.[34] Redraw the boundaries and the majority becomes a minority or vice versa, although no one has changed his mind. The politicians who draw and redraw the boundaries understand this very well.

9. Then there is the Voter's Paradox, a technical but very real contradiction in democracy discovered by Condorcet before the French Revolution.

In every situation where two or more voters choose from three or more alternatives, if the voters choose consistently, the majority preference may be determined solely by the order in which the alternatives are voted on. It can happen that A is preferred to B, B is preferred to C, yet C is by the majority preferred toA![35] This is no mere theoretical possibility: it has happened in real votes. There

[34] Peter J. Taylor, Graham Gudgin, & R.I. Johnston, "The Geography of Representation: A Review of Recent Findings," in Electoral Laws and Their Political Consequences, ed. Bernard Grofman Aren Lijphart (New York: Agathon Press, 1986), 183-184; McConnell, Private Power and American Democracy, 92 (quoted); Dahl, Dilemmas of Pluralist Democracy, 97-99; Bruce E. Cain, The Reapportionment Puzzle (Berkeley, CA: University of California Press, 1984), 36-37.

[35] Kenneth Arrow, Social Choice and Individual Values (2d ed.; New York: John Wiley & Sons, 1963), 2-3, 94-95; An Essay on the Application of Probability Theory to Plurality Decision-Making (1785)," in Condorcet: Foundations of Social Choice and Political Theory, tr. & ed. lain McLean & Fiona Hewitt (Aldershot, Hants., England & Brookfield, VT: Edward Elgar Publishing, 1994), 120130. A certain Rev. Dodgson invented the notion of "None of the Above" as a ballot option. "A Method of Taking Votes on More Than Two Issues," in The Political Pamphlets and Letters of Charles Lutwidge Dodgson and Related Pieces: A Mathematical Approach, ed. Francine F. Abeles (New York: Lewis Carroll Society of North America, 2001), 95. Since Arrow's Impossibility Theorem, "the theoretical case that elections can assure desirable outcomes was dealt a blow from which it is unlikely ever to recover fully." William R. Keech, "Thinking About the Length and Renewability of Electoral Terms," in Electoral Laws and Their Political Consequences, 104.

are, in fact, a number of these voting paradoxes. Under ideal conditions, majority rule almost always produces these cyclical preference orders. For this and other reasons, "the various equilibrium conditions for majority rule are incompatible with even a very modest degree of heterogeneity of tastes, and for most purposes are not significantly less restrictive than the extreme condition of complete unanimity of individual preferences."[36]

What that means is that whoever controls the agenda controls the vote, or, at least, "that making agendas seems just about as significant as actually passing legislation."[37] It is fitting that a 19th century mathematician who wrote on this phenomenon (which he called "cyclical majorities") is better known under his pen name, Lewis Carroll.[38] He came by his sense of the absurd honestly.

10. Another well-known method for thwarting majority rule with voting is logrolling.

Logrolling is an exchange of votes between factions. Each group votes for the other group's measure, a measure which would otherwise be defeated because each group is in the minority. (Note that

[36] William H. Riker & Barry R. Weingast, "Constitutional Regulation of Legislative Choice: The Political Consequences of Judicial Deference to Legislatures," Working Papers in Political Science No. P-86-11 (Stanford, CA: Hoover Institution, 1986), 13-18 (real-life examples of perpetual cyclical majorities); Hanno Nurmi, Voting Paradoxes and How to Deal With Mem (Berlin, Germany: Springer, 1999); Peter C. Fishburn, "Paradoxes of Voting," American Political Science Review 68(2) (June 1974): 537-546 (five more paradoxes); Gerald H. Kramer, "On a Class of Equilibrium Conditions for Majority Rule," Econometrica 41(2) (March 1973), 285 (quoted). The only reason cyclical preference orders are not more common in real life is the influence of other undemocratic practices such as logrolling (see below).

[37] Ian Shapiro, "Three Fallacies Concerning Majorities, Minorities, and Democratic Politics," in NOMOSXXIII.* Majorities and Minorities, ed. John W Chapman & Alan Wertheimer (New York & London: New York University Press, 1990), 97; William H. Riker, "Introduction," Agenda Formation, ed. William H. Riker (Ann Arbor, MI: University of Michigan Press, 1993), 1 (quoted).

[38] "Method of Taking Votes on More Than Two Issues," 46-58; Robert Paul Wolff, In Defense of Anarchism (New York Harper Torchbooks, 1970), 59-63; Arrow, Social Choice and Individual Values, 94.